

COLORADO STATE BOARD OF PHARMACY
July 19, 2012

Minutes

The Colorado State Board of Pharmacy meeting was convened by President Paul Limberis, R.Ph., at approximately 8:35 a.m. on Thursday, July 19, 2012 at 1560 Broadway, Conference Room 110 D, Denver, CO 80202. Notice of this meeting was given in accordance with Division of Registrations Policy Number 80-17.

Board members attending were: Mary K. Arceneaux, R.Ph.; Jeannine Dickerhofe, RPh; Heather Hawker, JD; Paul Limberis, RPh; Ginny Orndorff, MBA; Armand Potestio, RPh; and Luis Rivera-Lleras, RPh.

Staff members attending were: Chris Gassen, RPh, Chief Inspector; Mark O'Neill, RPh, Inspector; Susan Martin, R.Ph., Inspector; Lisa Cornett, RPh, Inspector; and Linda Acosta, Complaint and Licensing Specialist. Also present were Jo Kaye, Assistant Attorney General, and Jack Wesoky, Senior Assistant Attorney General, to advise the Board.

APPROVAL OF THE MINUTES

The Board approved of the minutes from the April 26, 2012, May 2, 2012 and May 17, 2012 meetings as amended.

REPORTS

President's Remarks

Paul Limberis provided the Board with highlights of the National Association of Boards of Pharmacy Annual Meeting held in Philadelphia, PA in May 2012.

Program Director's Report

On behalf of Wendy Anderson, the Board's Program Director, Mr. Gassen thanked Mary Arceneaux for her years of service to the Board and to the consumers of Colorado.

Mr. Gassen presented information regarding the Pharmacy Sunset task force candidates to the Board. After careful consideration of the available information, the Board voted unanimously to appoint the following candidates to serve on the following task forces:

Remote Order Entry	Pharmacy Interns	Other Outlets	Hospital Satellites	Specialized Prescription Drug Outlets
Denese Clark	Catherine Jarvis	Michael Appel	Michael Appel	Gerald Young
Scott Ortolani	Marianne McCollum	Jennifer Davis	Jennifer Davis	Chris Miller
Philip Slomiany	Randy Knutsen	Sheila Beurket	Carole Tucker	Timothy Mead
Jodie Malhotra	Young Lim	Lori Small	Kelly Carstens	James Kant
Wendy Johnson	Stacy Haver	Carole Tucker	Nancy Seccurro	Lynne Toedtli
Andrew Henriksen	Stuart Reed	Nicole Goldberg	Stephanie Carey	Warren Streck
Kevin Jones	Jennifer Petrie	Chris Miller	Philip Slomiany	Jacquelyn Miller
Jeannine Dickerhofe	Jeannine Dickerhofe	Paul Limberis	Paul Limberis	Paul Limberis
Luis Rivera-Lleras	Luis Rivera-Lleras	Ginny Orndorff	Ginny Orndorff	Jeannine Dickerhofe

For the Pharmacy Intern task force, David Clark and Charlotte Ricchetti may serve as an alternate to Marianne McCollum, and Laura Borgelt may serve as an alternate to Catherine

Jarvis. For the Other Outlet task force, Morgan Dillon may serve as an alternate to any selected candidate.

Colorado Pharmacists Society (CPS) – Paul Limberis, RPh

The first meeting of the CPS New Practitioner (pharmacist) Committee was May 9, 2012. The Chair of this newly formed committee is Jessica Morris. The Chair-Elect is Michele Hanselin, and Secretary/Treasurer is Brittany Todd. The purpose of the committee is to provide professional development and networking opportunities to new practitioners within the State of Colorado. Some of the specific activity ideas discussed included a mentoring program, education opportunities focused on interesting patient cases and clinical controversies, programs for residents and social networking activities where the first 30 minutes are spent on business and the rest of the time networking.

CPS is assisting with the promotion of a program on August 8, 2012 being provided by the Regis University School of Pharmacy on medication therapy management. Regis will be offering the live portion of the American Pharmacists Association's Certification, *Delivering Medication Therapy Management in the Community*. The entire program provides 21 hours of Accreditation Council for Pharmacy Education (ACPE)-approved continuing education (CE). Ten of these hours are provided through a self-study portion, eight hours of live credit, and three hours through post-seminar activities.

CPS, in conjunction with Health Resources and Services Administration and the two Colorado schools of pharmacy will be planning, coordinating and participating in the Colorado Pharmacists Summit on September 24, 2012 entitled "Strategizing Action for Integration and Leadership" or SAIL. The purpose of this conference is to bring stakeholders together to explore the various ways to engage Colorado pharmacists in the emerging opportunities provided by health care reform, including the patient centered medical home.

Planning has already begun for the 2013 CPS Annual Winter CE Seminar, January 13-16, 2013 at the Vail Cascade in Vail, CO. Fifteen hours of ACPE-approved CE will be offered.

Governor's Expert Emergency Epidemic Response Committee (GEEERC) – Paul Limberis, RPh

Paul Limberis reported that the next meeting of the GEEERC is August 9, 2012.

Intern & School Relations – Jeannine Dickerhofe, RPh

Dr. Marianne McCollum, Interim Dean of the Regis University School of Pharmacy, reported that the school is already preparing for graduation/commencement activities for its first graduating class next year, and that the school has admitted its fourth class of 75 students. Rod Carter became the new dean of the school, effective July 1, 2012.

Dr. Catherine Jarvis, Assistant Dean of the University of Colorado Denver School of Pharmacy, reported that the school has admitted 160 students for its newest class and that the school is undergoing a curriculum review.

Legislation - Jeannine Dickerhofe, RPh

Jeannine Dickerhofe reported that the CPS Legislative Committee is pleased to report that every bill supported by CPS and the pharmacists' community in the 2012 Legislative Session was signed by the governor and is now in effect.

These bills include: Pharmacy Sunset Bill (HB 1311); the making bath salts containing cathinones a scheduled drug (SB 116 resurrected to HB 1310); the collection of Health Care Work Force Data (HB 1052); and the dispensing of controlled substance prescriptions pursuant to electronically transmitted prescription orders (SB 37).

CPS, along with RxPlus and the Colorado Retail Council, has been meeting with the Department of Health Care Policy and Financing (HCPF) to provide input into the Cost of Dispensing Survey being conducted by Mercer on behalf of HCPF and the Acquisition Cost Survey. Survey results will be reported in the CPS electronic newsletter, the E-Capsulette.

Inspectors

Update Regarding Walgreens' Prescription Computer System

The Board reviewed an Agenda Memorandum from Mr. Gassen regarding an update to Walgreens' prescription computer system in terms of its compliance with the Board's rules. The Board noted the information.

Update Regarding Walgreens' Request to Electronically Maintain Prescription Orders

The Board reviewed an Agenda Memorandum from Mr. Gassen regarding a request from the Walgreen Company to electronically maintain non-controlled substance and schedule III through V controlled substance prescription orders at all of the Colorado-based pharmacies as well as the results of a five month Board staff study regarding the request.

After careful consideration of the available information, the Board voted, by a majority vote, to deny the request until such time each Walgreen pharmacy can fully comply with Board Policy 30-1 regarding the electronic maintenance of non-controlled substance and schedule III through V controlled substance prescription orders.

The Board also directed staff to bring Policy 30-1 to a future meeting for its review.

OLD BUSINESS

Stipulations

Jennifer L. Christensen, RPH 18422 & Case 2012-3980

The Board reviewed an Agenda Memorandum from Mr. Gassen regarding Ms. Christensen and Case 2012-3980. After careful consideration of the available information, the Board voted unanimously to refer the matter to Executive Session.

Robert J. Doherty, RPH 16511 & Case 2008-0768

The Board reviewed an Agenda Memorandum from Mr. Gassen regarding a request from the Colorado Pharmacy Peer Health Assistance Diversion Program ("Diversion Program") to review specific provisions of a proposed rehabilitation contract between Mr. Doherty and the Diversion Program. After careful consideration of the available information, the Board voted

unanimously to deny the proposed terms of Mr. Doherty's contract as it relates to his participation in Arizona's Diversion Program.

Glenn R. Kruk, RPH 12225 & Case P-97-0075

The Board reviewed an Agenda Memorandum from Ms. Acosta regarding Mr. Kruk's request to be released early from the terms of his Stipulation and Final Agency Order with the Board. After careful consideration of the available information, the Board voted unanimously to refer the matter to Executive Session.

After Executive Session, the Board voted unanimously to table the matter for a future meeting pending research from staff regarding Mr. Kruk's request.

Cynthia M. Warwick, RPH 18452 & Case 2012-2543

The Board reviewed an Agenda Memorandum from Mr. Gassen regarding Ms. Warwick and Case 2012-2543. After careful consideration of the available information, the Board voted unanimously to refer the matter to Executive Session.

David Yang, RPH 17421 & Case 2012-2543

The Board reviewed an Agenda Memorandum from Mr. Gassen regarding Mr. Yang's request to modify the terms of his Stipulation and Final Agency Order with the Board so that he can serve as a pharmacist manager. After careful consideration of the available information, the Board voted unanimously to deny this request.

Farideh S. Zanjani, RPH 13559 & Case 2010-3835

The Board reviewed an Agenda Memorandum from Ms. Acosta regarding Ms. Zanjani's Stipulation and Final Agency Order with the Board and a request for an extension in time to complete the Problem Based Ethics ("ProBE") Course. After careful consideration of the available information, the Board voted unanimously to extend the time for Ms. Zanjani to complete the ProBE Course until July 19, 2013. The Board further noted that it will not grant further extensions to Ms. Zanjani for the purpose of the completing this course.

Miscellaneous Correspondence

Follow-Up to Anonymous Complaint

Mary K. Arceneaux, R.Ph. recused.

The Board reviewed a Special Report from Ms. Martin regarding the results of a controlled substance accountability audit conducted by the Board staff of a pharmacy in connection to an anonymous complaint received by the Board. After careful consideration of the available information, the Board voted unanimously not to act on either the report or complaint.

Prescription Packaging and Delivery

Mary K. Arceneaux, R.Ph. recused.

The Board reviewed an Agenda Memorandum from Mr. Gassen regarding proposed language to the Board rules that would address prescription packaging and delivery, as well as its relevance to a pharmacy technician's working role in a pharmacy.
After careful consideration of the available information, the Board voted unanimously to refer the proposed language to a future rules hearing.

Walgreens' Well Experience Pharmacy Program & Request for Board Appearance

The Board reviewed an Agenda Memorandum from Mr. Gassen regarding a request by the Walgreen Company to appear before the Board to present Walgreens' Well Experience Pharmacy Program. After careful consideration of the available information, the Board voted unanimously to deny the Walgreen Company's request for appearance. The Board noted that it does not approve of business models and that the Walgreen Company has already reviewed the Board's rules and statutes as they may pertain to the Well Experience Pharmacy Program.

NEW BUSINESS

Complaints

Eagle County Health & Human Services, OO 457 2012-4540

The Board voted unanimously to refer the case to Executive Session.

After Executive Session, the Board voted unanimously to issue a Letter of Admonition for violations of the Pharmacists, Pharmacy Businesses, and Pharmaceuticals Act.

King Soopers Pharmacy # 19, PDO 114 2012-4131

Mary K. Arceneaux, R.Ph. recused.

The Board voted unanimously to refer the case to Executive Session.

After Executive Session, the Board voted unanimously to dismiss the complaint as being without merit.

The Board also voted unanimously to initiate a complaint against the pharmacist who was directly involved in the second transfer of the controlled substance prescription order at issue in this case.

King Soopers Pharmacy # 04, PDO 37-6 2012-3707

Mary K. Arceneaux, R.Ph. recused.

The Board voted unanimously to refer the case to Executive Session.

After Executive Session, the Board voted unanimously to dismiss the complaint as being without merit.

Korkis, Donald J., RPH 16751 2012-4297

The Board voted unanimously to refer the case to Executive Session.

After Executive Session, the Board voted unanimously to dismiss the case. The Board found that there was no reasonable cause to warrant further action at this time.

Levulis, Kevin A. RPH 13200 **2012-4231**

Mary K. Arceneaux, R.Ph. recused.

The Board voted unanimously to refer the case to Executive Session.

After Executive Session, the Board voted unanimously to issue a Letter of Admonition for violations of the Pharmacists, Pharmacy Businesses, and Pharmaceuticals Act.

Medco Health Solutions of Franklin Lakes NJ, OSP 5496 **2012-4201**

The Board voted unanimously to refer the case to Executive Session.

After Executive Session, the Board voted unanimously to table further consideration of this matter pending receipt of a legal opinion.

Patterson-Bader, Cheryl, RPH 11884 **2012-3297**

The Board voted unanimously to refer the case to Executive Session.

After Executive Session, the Board voted unanimously to dismiss the case. The Board found that there was no reasonable cause to warrant further action at this time.

Vestal, Kelly K., RPH 17992 **2012-3334**

The Board voted unanimously to dismiss this case as being without merit.

Walgreen Pharmacy # 1769, PDO 243 **2012-4133**

The Board voted unanimously to refer the case to Executive Session.

After Executive Session, the Board voted unanimously to issue a Letter of Admonition for violations of the Pharmacists, Pharmacy Businesses, and Pharmaceuticals Act.

Walgreen Pharmacy # 3510, PDO 37-37 **2012-3761**

The Board voted unanimously to refer the case to Executive Session.

Marti, Maria-Teresa, RPH 16932 **2012-3768**

The Board voted unanimously to refer the case to Executive Session.

After Executive Session, the Board voted unanimously to issue a Letter of Admonition for violations of the Pharmacists, Pharmacy Businesses, and Pharmaceuticals Act.

Wylie, Daniel L., RPH 15265 **2012-3849**

The Board voted unanimously to refer the case to Executive Session.

After Executive Session, the Board found that the public health, safety, or welfare imperatively required emergency action and voted unanimously to summarily suspend Mr. Wylie's pharmacist license should he fail to enter into an interim cessation of practice agreement with the Board by 3:00 p.m. on July 30, 2012.

LICENSING/REGISTRATION

Daniel E. Breske, Pharmacy Intern Applicant

The Board reviewed an Agenda Memorandum from Mr. Gassen regarding Mr. Breske's application for a pharmacy intern license. After careful consideration of the available information, the Board voted unanimously to refer the matter to Executive Session.

After Executive Session, the Board voted unanimously to table further consideration of this application pending a receipt to the results of an evaluation from the Pharmacy Peer Health Assistance Diversion Program.

Loren M. Priem, Pharmacy Intern Applicant

Mr. Gassen was not present for the discussion and vote.

The Board reviewed an Agenda Memorandum from Mr. Gassen regarding Mr. Priem's application for a pharmacy intern license. After careful consideration of the available information, the Board voted unanimously to refer the matter to Executive Session.

After Executive Session, the Board voted to deny the application. Grounds for denial were noted to include, but not limited to, CRS 12-42.5-123(1)(c).

MISCELLANEOUS

Correspondence, etc.

Inquiry Regarding the Prescription Drug Monitoring Program ("PDMP")

The Board reviewed an Agenda Memorandum from Mr. Gassen regarding an inquiry to an attorney as to whether or not a patient may release his or her own PDMP information once legally obtained. After careful consideration of the available information, the Board determined that an individual may release his or her own PDMP information once he or she has legally obtained that information.

Denver Office of Drug Strategy & Request to Renew PDMP Agreement

The Board reviewed an Agenda Memorandum from Mr. Gassen regarding a request from the Denver Office of Drug Strategy to renew its agreement with the Board to obtain certain from the PDMP for research purposes pursuant to CRS 12-42.5-404(5). After careful consideration of the available information, the Board voted unanimously to renew the agreement for a two year term.

Request for Research Agreement for PDMP Data

The Board reviewed an Agenda Memorandum from Ms. Anderson regarding a May 25, 2012 written request from the University of Colorado Denver to enter into a Research Agreement with the Board to obtain deidentified information from the PDMP. After careful consideration of the available information, the Board voted unanimously to enter into an agreement with the researcher provided that staff can in fact query the specific type of information the researcher is looking for when the PDMP transitions to its new vendor.

Request for Research Agreement for PDMP Data

The Board reviewed an Agenda Memorandum from Ms. Anderson regarding a June 17, 2012 written request from the University of Colorado Denver to enter into a Research Agreement with the Board to obtain deidentified information from the PDMP. After careful consideration of the available information, the Board voted unanimously to enter into an agreement with the researcher provided that staff can in fact query the specific type of information the researcher is looking for when the PDMP transitions to its new vendor.

Anonymous Complaint

The Board reviewed an Agenda Memorandum from Mr. Gassen regarding an anonymous complaint against a pharmacy district supervisor and a potential violation of the Health Insurance Portability and Accountability Act. After careful consideration of the available information, the Board voted unanimously not to act on the complaint.

“Dangerous Doses; Fighting Fraud in the Global Medicine Supply Chain”

The Board noted the information.

EXECUTIVE SESSION

At 12:31 p.m., Board President Paul Limberis, R.Ph. moved that the Board enter into Executive Session.

The motion was seconded. The vote was unanimous with five votes approving the motion to go into Executive Session and none opposing.

The Board exited Executive Session at 4:21 p.m.

Open Session

Case 2012-3623

The Board voted unanimously to dismiss the case. The Board found that there was no reasonable cause to warrant further action at this time.

Case 2012-3639

The Board voted unanimously to dismiss the case. The Board found that there was no reasonable cause to warrant further action at this time.

The Board also voted unanimously to initiate a complaint against the prescription drug outlet registration of Walgreen Pharmacy # 05538 for allegedly failing to maintain a required record dispensing record.

Case 2012-3740

The Board voted unanimously to dismiss the case. The Board found that there was no reasonable cause to warrant further action at this time.

Case 2012-3758

The Board voted unanimously to dismiss the case as being without merit.

The Board also voted unanimously to initiate a separate case against the prescription drug outlet registration of Walgreen Pharmacy # 5645, and then dismiss the case. The Board found that there was no reasonable cause to warrant further action at this time.

Case 2012-3857

The Board voted unanimously to dismiss the case. The Board found that there was no reasonable cause to warrant further action at this time.

Case 2012-3859

The Board voted unanimously to dismiss this case as being without merit.

Case 2012-3861

The Board voted unanimously to dismiss this case as being without merit.

Case 2012-3982

The Board voted unanimously to dismiss the case. The Board found that there was no reasonable cause to warrant further action at this time.

ADJOURNMENT

The Board adjourned at 4:37 p.m.

Approved by Paul Limberis, R.Ph., President Date: September 20, 2012